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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2088 OF 2005

ALONG WITH

NOTICE OF MOTION NO.586 OF 2005

Anilkumar Krishnavallabh Karan ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. B.M. Jadhav i/b K.R. Dhanuka for the petitioner.

Mr. P. Jadhav, A.G.P. for respondent 1.

Mr. G.D. Utangale for respondent 2.

Mr. R.S. Ghade for respondents 3 and 4.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 12TH DECEMBER 2005.

P.C.:-

1. We have heard the learned counsel for the petitioner. The grievance of the petitioner, inter alia, is that the Secretary of Slum Rehabilitation Authority has not given any opportunity to the petitioner to represent his case or to give evidence in support of his case. We notice from the impugned order dated 24/5/2005 that the petitioner was not given a personal hearing. The Slum Rehabilitation Authority has observed that the petitioner has annexed a ration card dated 23/7/2001 showing his residence at the mentioned address but there is no document to show he is residing at the said address on

that date. It is also stated that though on the date of survey the petitioner's hut or residence is shown in the voters list of 1995, there is no documentary evidence to prove his continuous residence in the year 2003, 2004 and 2005. Since the impugned order was passed without hearing the petitioner, we feel that interest of justice will be met if the Secretary, Slum Rehabilitation Authority is directed to give a personal hearing to the petitioner. Hence, we pass the following order:

O R D E R

2. The impugned order dated 24/5/2005 passed by the Secretary, Slum Rehabilitation Authority is set aside only on the ground that the petitioner was not given a personal hearing. The Slum Rehabilitation Authority is directed to dispose of the petitioner's appeal afresh after giving him a personal hearing within a period of three months from today. The petition is disposed of with the aforestated terms.

3. In view of the above, Notice of Motion No.586 of 2005 does not survive and is disposed of as such.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)